

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA ROBERTSON,

Plaintiff,

v.

JOHN LATIRRACA CORRECTIONAL
FACILITY, *et al.*,

Defendants.

No. 1:24-cv-00009 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
DEFENDANTS JONATHAN DOE, MIGUEL
DOE, AND JANE DOE

(Doc. 34)

Joshua Robertson is a former pretrial detainee and current civil detainee proceeding pro se and in forma pauperis in this this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's second amended complaint against: (1) defendants Gutierrez, Sandoval, Jonathan Doe, Miguel Doe, Reid, and Jane Doe for Due Process violation for conditions of confinement related to the cell sanitation; (2) defendant Gutierrez for Due Process violation for conditions of confinement related to removal of the mattress; and (3) defendants Merced County and John Latorraca Correctional Facility for *Monell* liability.

On May 27, 2025, the magistrate judge ordered Plaintiff, within ninety (90) days, to file a motion to substitute the identities of defendants Jonathan Doe, Miguel Doe, and Jane Doe with enough information to locate them for service of process. (Doc. 26.) Plaintiff failed to comply with the order.

On September 8, 2025, the magistrate judge issued findings and recommendation that

1 recommended defendants Jonathan Doe, Miguel Doe, and Jane Doe be dismissed from this
2 action, without prejudice, pursuant to Federal Rule of Civil Procedure 4(m). (Doc. 34.) The
3 Court served the Findings and Recommendations on Plaintiff and notified him that any objections
4 were due within fourteen (14) days. (*Id.* at 3.) The Court also informed Plaintiff that “the failure
5 to file objections within the specified time may result in the waiver of the ‘right to challenge the
6 magistrate’s factual findings’ on appeal.” (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839
7 (9th Cir. 2014).) Plaintiff did not file objections, and the time in which to do so has passed.

8 According to 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the
9 case. Having carefully reviewed the entire file, the Court finds that the Findings and
10 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 11 1. The Findings and Recommendations issued on September 8, 2025 (Doc. 34) are
12 **ADOPTED**.
- 13 2. Defendants Jonathan Doe, Miguel Doe, and Jane Doe are **DISMISSED** without
14 prejudice.
- 15 3. This action proceeds on Plaintiff’s second amended complaint against: (1)
16 defendants Gutierrez, Sandoval, and Reid for Due Process violation for conditions
17 of confinement related to the cell sanitation; (2) defendant Gutierrez for Due
18 Process violation for conditions of confinement related to removal of the mattress;
19 and (3) defendants Merced County and John Latorraca Correctional Facility for
20 *Monell* liability.

21 IT IS SO ORDERED.

22 Dated: October 3, 2025


23 UNITED STATES DISTRICT JUDGE

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